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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,696	03/14/2000	Asawaree P. Kalavade	Case 4	8570

26291 7590 11/25/2003

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EXAMINER

WAXMAN, ANDREW

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,696

Applicant(s)

KALAVADE, ASAWAREE P.

Examiner

Andrew M Waxman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

The Declaration filed on 23 October 2003 under 37 CFR § 1.131 has been considered but is ineffective to overcome the Li reference (US 6,549,587).

Applicant has submitted a declaration to overcome the Li reference (US 6,549,587), however, the Li reference is a Continuation-in-Part of patent application 09/454,219, which contains all of the subject matter relied upon in the 35 U.S.C. § 103 rejections as recited below. The Li reference therefore has an effective date for prior art purposes under 35 U.S.C. § 102(e) purposes of 9 December 1999. This consequently antedates the declaration as filed 23 October 2003, and the Examiner subsequently upholds the rejection as recited below. See MPEP § 2136.03 (IV).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 28 and 30 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US Patent No. 6,549,587) in view of Amrany et al. (US Patent No. 6,067,316) hereinafter referred to as Amrany.

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Regarding claims 28, 41, 37, and 38, Li discloses an apparatus including means for decoding a plurality of streamed packets (84 and 96), generating a PCM stream. See col. 12 lines 55-57 and col. 13 lines 17-23.

Li does not disclose means for filtering the signal stream.

Amrany discloses a low-pass filter (Fig. 4 '150') for filtering a signal stream. See Col. 1 lines 40-47.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to include the low-pass filter, as disclosed by Amrany, in the invention as disclosed by Li.

One of ordinary skill in the art would have been motivated to do this in order to protect the incident telephone circuits from unwanted high frequencies. See Amrany Col. 1 lines 40-47.

Regarding claims 42 and 39, it is inherent to Li in view of Amrany that the low-pass filter prevents aliasing.

Regarding claim 30, Li further discloses an interface ('60b' see *Li* col. 14 line 24) for transmitting the PCM signal over a circuit switched call connection (see *Li* col. 13 lines 17-23).

Regarding claim 31, Li further discloses the packet network being an IP network. See col. 6 lines 55-61.

Regarding claim 32, Li further discloses the packet network being the internet. See col. 6 line 61.

Regarding claims 33 and 34, Li further discloses the PCM signal being a media and furthermore an audio signal stream (voice).

Regarding claims 35 and 36, Li in view of Amrany discloses all of the limitations as recited above with respect to claim 28.

Li in view of Amrany does not expressly disclose the media signal stream being a video signal stream or streaming text.

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At the time the invention was made it would have been obvious to one of ordinary skill in the art to include media signal streams such as streaming video and text in the invention as disclosed by Li in view of Amrany.

One of ordinary skill in the art would have been motivated to do this to improve the range of implementation of the invention, thereby enhancing the marketability of the invention.

Regarding claim 40, Li further discloses implementing the method, as disclosed in claim 1, on a programmable digital signal processor. See col. 3 lines 64-67, and Fig. 2.

Regarding claims 1 and 2, Li discloses all of the limitations as recited above with respect to claims 28 and 29. Since the apparatus (claims 28 and 29) implements the method (claims 1 and 2), the method recited in claims 1 are inherent to Li.

Regarding claim 3, Li further discloses rate converting the PCM signal stream. See col. 28 lines 12-27.

Regarding claim 4, Li further discloses transmitting the PCM signal over a circuit switched call connection (see *Li* col. 13 lines 17-23).

Regarding claim 5, Li further discloses the circuit-switched network being a cellular network. See col. 6 lines 55-61.

Regarding claim 6, Li further discloses the packet network being an IP network. See col. 6 lines 55-61.

Regarding claims 7 and 8, Li further discloses the PCM signal being a media and furthermore an audio signal stream (voice).

Regarding claims 9 and 10, Li in view of Amrany discloses all of the limitations as recited above with respect to claim 28.

Li in view of Amrany does not expressly disclose the media signal stream being a video signal stream or streaming text.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to include media signal streams such as streaming video and text in the invention as disclosed by Li in view of Amrany.

One of ordinary skill in the art would have been motivated to do this to improve the range of implementation of the invention, thereby enhancing the marketability of the invention.

Regarding claim 11, Li further discloses the packet network being the internet. See col. 6 line 61.

Regarding claims 18, 21, and 25, Li discloses an apparatus including means for receiving a plurality of streamed packets (Fig. 6 '62'), means for decoding the packets (84 and 96), and means for converting the bit rate of the signal into one that is compatible with a circuit switched call connection (see col. 12 lines 55-57, col. 13 lines 17-23, and col. 28 lines 12-27).

Li does not disclose means for filtering the signal stream.

Amrany discloses a low-pass filter (Fig. 4 '150') for filtering a signal stream. See Col. 1 lines 40-47.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to include the low-pass filter, as disclosed by Amrany, in the invention as disclosed by Li.

One of ordinary skill in the art would have been motivated to do this in order to protect the incident telephone circuits from unwanted high frequencies. See Amrany Col. 1 lines 40-47.

Regarding claims 19 and 23, Li further discloses the call connection being provided over a wireless network. See col. 6 lines 55-61.

Regarding claims 20 and 24, Li further discloses the call connection being provided over a cellular network. See col. 6 lines 55-61.

Regarding claim 22, Li further discloses the bit rate of the signal being 64 kbps. See col. 13 lines 17-23.

Regarding claim 26, it is inherent to Li in view of Amrany that the low-pass filter prevents aliasing.

Regarding claims 12-14, Li discloses all of the limitations as recited above with respect to claims 18-20. Since the apparatus (claim 28) implements the method (claim 1), the method recited in claims 1 are inherent to Li.

Regarding claims 15-17, Li further discloses the cellular network being a TDMA, CDMA, or GSM network. See col. 6 lines 55-61.

Regarding claim 27, Li further discloses the implementation of the method as recited in claim 12, on a programmable digital signal processor. See col. 3 lines 64-67, and Fig. 2.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

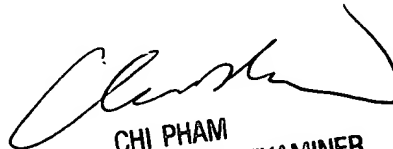
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M Waxman whose telephone number is (703) 305-8086.

The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Andrew M. Waxman


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 11/24/03